



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

NOV 03 2015

INFORMATION REQUEST LETTER  
URGENT LEGAL MATTER - PROMPT REPLY REQUESTED  
SENT VIA UNITED PARCEL SERVICE

Highland Industries, Inc.  
Attn: Mr. David A. Jackson, President  
1350 Bridgeport Drive  
Suite 1  
Kernersville, NC 27284

SUBJ: Request for Information Pursuant to Section 104 of CERCLA and Section 3007 of RCRA for the Burlington Cheraw Superfund Site ("the Site") in Cheraw, South Carolina

Dear Mr. Jackson:

The purpose of this letter is to request that Highland Industries, Inc. ("Highland") respond to the enclosed Information Request concerning the Burlington Cheraw Superfund Site (the Site). The U.S. Environmental Protection Agency is currently investigating the release or threatened release of hazardous substances, pollutants or contaminants, or hazardous wastes on or about the above-referenced Site. This investigation requires inquiry into the identification, nature, and quantity of materials generated, treated, stored, or disposed of at, or transported to, the Site and the nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from the Site.

Pursuant to the authority of Section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. § 9604, as amended, and Section 3007 of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6927, you are hereby requested to respond to the Information Request set forth in Enclosure A hereto.

Compliance with the Information Request is mandatory. Failure to respond fully and truthfully to the Information Request within thirty (30) days of receipt of this letter, or to adequately justify such failure to respond, can result in enforcement action by the EPA pursuant to Section 104(e) of CERCLA, as amended, and/or Section 3008 of RCRA. Each of these statutes permits the EPA to seek the imposition of penalties of up to fifty three thousand nine hundred seven dollars (\$53,907) for each day of continued non-compliance. Please be further advised that the provision of false, fictitious, or fraudulent statements or representations to the Information Request may subject you to criminal penalties under 18 U.S.C. § 1001 or Section 3008(d) of RCRA, 42 U.S.C. § 6928(d).

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501, et seq.



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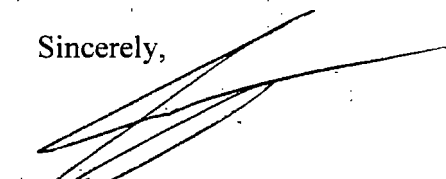
Your response to this Information Request should be mailed to:

Mr. Fernando Rivera  
SECEB  
Superfund Division  
U.S. Environmental Protection Agency, Region 4  
Atlanta Federal Center  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303-8909

Due to the seriousness of the problem at the Site and the legal ramifications of Highland's failure to respond properly, EPA strongly encourages you to give this matter your immediate attention and to respond to this Information Request within the time specified above. If you have any legal or technical questions relating to this Information Request, you may consult with the EPA prior to the time specified above. Please direct all legal questions to Mr. Gregory D. Luetscher, Associate Regional Counsel, at (404) 562-9677 or [luetscher.greg@epa.gov](mailto:luetscher.greg@epa.gov). Technical questions should be directed to myself at (404) 562-8875 or [rivera.fernando@epa.gov](mailto:rivera.fernando@epa.gov).

Thank you for your cooperation in this matter.

Sincerely,



Fernando Rivera  
Enforcement Project Manager  
Superfund Division

Enclosures

Definitions and Instructions  
Information Request Questionnaire

cc: Ethan R. Ware Esq., Williams Mullen

## ENCLOSURE A

### INFORMATION REQUEST Highland Industries, Inc., Respondent

#### Instructions

1. Please provide a separate narrative response to each and every Question and subpart of a Question set forth in this Information Request.
2. Precede each answer with the number of the Question to which it corresponds.
3. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, you must supplement your response to the EPA. Moreover, should you find, at any time after the submission of your response, that any portion of the submitted information is false or misrepresents the truth, you must notify the EPA of this fact as soon as possible and provide the EPA with a corrected response.
4. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Question to which it responds.
5. The information requested herein must be provided even though you may contend that it includes possibly confidential information or trade secrets. You may, if you desire, assert a confidentiality claim covering part or all of the information requested, pursuant to Sections 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C. §§ 9604(e)(7)(E) and (F), Section 3007(b) of RCRA, 42 U.S.C. § 6927(b), and 40 C.F.R. § 2.203(b), by attaching to such information at the time it is submitted, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," or "proprietary," or "company confidential." Information covered by such a claim will be disclosed by the EPA only to the extent, and only by means, of the procedures set forth in statutes and regulation set forth above. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to you. You should read the above cited regulations carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim.

### Definitions

The following definitions shall apply to the following words as they appear in this Enclosure A:

1. The term "you," "your," or "Respondent" shall mean Highland Industries, Inc., the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, partners, successors, assigns, and agents.
2. The term "person" shall have the same definition as in Section 101(21) of CERCLA, 42 U.S.C. § 9601(21): an individual, firm, corporation, association, partnership, consortium, joint venture, commercial entity, United States Government, State, municipality, commission, political subdivision of a State, or any interstate body.
3. The term the "Site" shall mean and include the property on or about the former Burlington Industries manufacturing plant, 650 Chesterfield Highway, Cheraw, Chesterfield County, South Carolina
4. The term "properties" shall mean parcels comprising the Site.
5. The term "hazardous substance" shall have the same definition as that contained in Section 101(14) of CERCLA, 42 U.S.C. § 9601(14), and includes any mixtures of such pollutants and contaminants with any other substances. Petroleum products mixed with pollutants and contaminants are also included within this definition.
6. The term "hazardous waste" shall have the same definition as that contained in Section 1004(5) of RCRA, 42 U.S.C. § 6903(5).
7. The term "solid waste" shall have the same definition as that contained in Section 1004(27) of RCRA, 42 U.S.C. § 6903(27).
8. The term "materials" shall mean all substances that have been generated, treated, stored, or disposed of or otherwise handled at or transported to the Site, including but not limited to, all hazardous substances, pollutants and contaminants, hazardous wastes and solid wastes, as defined above.
9. The term "hazardous material" shall mean all hazardous substances, pollutants or contaminants, and hazardous wastes, as defined above.
10. The term "non-hazardous material" shall mean all material as defined above, excluding hazardous substances, pollutants and contaminants, and hazardous waste.
11. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, position or business.
12. The term "identify" means, with respect to a corporation, partnership, business trust or other

association or business entity (including a sole proprietorship), to set forth its full name, address, legal form (e.g., corporation, partnership, etc.), organization, if any, and a brief description of its business.

13. The term "identify" means, with respect to a document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), the identity of the author, addressor, addressee and/or recipient, and the substance or the subject matter.
14. The term "release" has the same definition as that contained in Section 101(22) of CERCLA, 42 U.S.C. § 9601(22), and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.
15. The terms "document" and "documents" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreement and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, report, notice, message, analysis, comparison, graph, chart, interoffice or intra office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc or disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with printouts of such punch card, disc, or disc pack, tape or other type of memory); and (a) every copy of each document which is not an exact duplicate of a document which it produces, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document, and (e) every document referred to in any other document.
16. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to ~~bring within the scope of this Information Request any information which might otherwise be~~ construed to be outside its scope.
17. The term "arrangement" means every separate contract or other agreement between two or more persons.
18. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions.

19. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 C.F.R. Part 300, or 40 C.F.R. Parts 260-280, in which case the statutory or regulatory definitions shall apply.

## QUESTIONS

Highland Industries, Inc., Respondent

(Please answer the questions for the properties identified at the beginning of the letter)

1. Identify the person(s) answering these Questions on behalf of Respondent.
2. For each and every Question contained herein, identify all persons consulted in the preparation of the answer.
3. For each and every Question contained herein, identify all documents consulted, examined, or referred to in the preparation of the answer or that contain information responsive to the Question and provide true and accurate copies of all such documents.
4. Generally describe Respondent's overall connection to the contamination associated with the Site.
5. Please explain whether the property is owned or leased by you and identify the date you took possession and/or ownership of the Site property.
6. Please identify when you initiated business operations and/or related preparatory activities at the property.
7. Were there operating businesses present on the Site property at the time of your purchase or lease of them? Please identify or provide any information or documents you may have on any operations that occurred at the Site property.
8. Please describe the environmental condition of the property on or about the date you took possession. Specifically, please explain whether you took possession of the property after the disposal or placement of the hazardous materials on, in, or at the property; further, please provide all relevant facts upon which you base your answer.
9. Please identify and describe any business or other activity that had been located upon the property prior to your ownership or possession of the property, including but not limited to:
  - a. The name of business or activity,
  - b. The nature of its operations,
  - c. The approximate dates of operation, and
  - d. Any significant modifications that were made to the property with respect to structures, improvements, or land use.
10. Identify all businesses or customers that have used the property to dispose, discard or deposit any materials or waste items.
11. Please provide a description of your current and past operations at the facility.

12. Please describe the physical characteristics of the Site, including, but not limited to, surface structures (e.g. buildings, tanks, etc.) and subsurface structures (e.g. piping, sumps, etc.). Include features which are operational, nonoperational, and any features that were known to have been removed.
13. Please identify or provide any maps, drawings, plans or other documentation which would show the location and function of the current and/or historical physical characteristics of the Site.
14. Has any past soil or groundwater testing occurred on the Site property? If so, what were the results of that testing?
15. Describe all leaks, spills or releases or threats of releases of any kind into the environment of any hazardous materials that have occurred or may occur at or from the Site, including but not limited to:
  - a. When such releases occurred or may have occurred,
  - b. How the releases occurred or may have occurred,
  - c. When hazardous materials were released or may have been released,
  - d. What amount of each such hazardous material was so released
  - e. Where such releases occurred or may occur
  - f. Any and all activities undertaken in response to each such release or threatened release
  - g. Any and all investigations of the circumstances, nature, extent, or location of each such release or threatened release including, the results of any soil, water (ground or surface), or air testing that was undertaken, and
  - h. All persons with information relating to subpart a through g of this Question 15.
16. Did Respondent perform any environmental assessments of Site property prior to acquiring the Site property?
17. Please explain your corporate relationship with TK Holdings, Inc.
18. Please explain your corporate relationship with BGF Industries, Inc.
17. Identify all persons who may have knowledge, information, or documents about the materials disposed or buried on the property.
18. Do you have reason to believe that there may be persons able to provide a more detailed or complete response to any Question contained herein or who may be able to provide additional responsive documents, identify such persons and the additional information or documents that they may have.
19. For each and every Question contained herein, if any information or documents responsive to this Information Request are not in your possession, custody, or control, identify the persons from whom such information or documents may be obtained.